IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 34224 of 2006(Y)

PETITIONER:

THE EDAKKADAVU ROAD RESIDENTS
ASSOCIATION, SANKARAMANGALAM, MANNADI PO,
691 530, REP. BY ITS SECRETARY.

BY ADV. SRI.V.P.REGHURAJ

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
ADOOR.

2. THE ASST.SUPERINTENDENT OF POLICE,
ADOOR.

3. THE DISTRICT COLLECTOR,
PATHANAMTHITTA.

4. KADAMBANAD GRAMA PANCHAYAT,
KADAMBANAD, REPRESENTED BY ITS SECRETARY.

R4 BY ADV. SRI.T.C.KRISHNA
SRI. K.SHAJ
SRI.B.BALRAJ
R1 TO R3 BY SHRI P.A. SALIM, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF THE PETITION DATED 25.10.2006 SUBMITTED BY THE LOCAL RESIDENTS BEFORE R3

EXT.P2-TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE R4

EXT.P3-TRUE COPY OF THE NEW ITEM IN MALAYALA MANORAMA DAILY DATED 17.11.2006

EXT.P4-TRUE COPY OF PETITION DATED 7.12.2006 SUBMITTED BY THE PETITIONER BEFORE R1

EXT.P5-TRUE COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DAILY DATED 3.12.2006

EXT.P6-TRUE COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DAILY DATED 13.12.2006

EXT.P7-TRUE COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DAILY DATED 15.12.2006

EXT.P8-TRUE COPY OF THE PETITION DATED 15.12.2006 SUBMITTED BY THE PETITIONER BEFORE R3

// TRUE COPY //

J.B. Koshy &
T.R. Ramachandran Nair JJ.
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W.P.(C).NO&34224 of 2006
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Dated this the 1st day of February, 2007

JUDGMENT

Koshy, J.

This is a petition filed by the Edakkadavu Road Residents Association stating that illegal sand mining is taking place in Edakkadavu and no effective measures are taken for preventing illegal sand mining.

2. A statement was filed by the first respondent stating that effective steps are being taken. Sand mining in the rivers in Kerala State is a general problem. It is the bounden duty of the police to see that illegal sand mining is prohibited. Interest of the people living in the locality is to be protected than the interest of the workers. What is more important is the protection of the environment. If sand mining is allowed to take place, the right to life guaranteed under Article 21 of the Constitution of India will be infringed. Therefore, the police should see that effective steps are taken to prevent illegal sand mining and if the order is violated and effective measures are taken, the police should be responsible.

Recording the submission that police will take effective steps to prevent illegal sand mining, the writ petition is disposed of.

(J. B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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